

# **Larchmont Charter School Board Training**

## **Overview of Student Discipline**

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# Overview

- Introduction
- Goals
  - Ounce of Prevention
  - Improve Issue Spotting Skills
  - Understanding the Board Roles and Responsibilities in Suspension and Expulsion
  - Detailed Training for Administration
- Disclaimers
  - Real Problems are Fact Specific & Complex
  - Cookie-Cutting can be Dangerous

# Charter Petition Discipline Procedure

- The requirements for suspension and expulsion of students is set forth in the Charter Petition.

## **Element #10: Pupil Suspension and Expulsion**

# Grounds For Expulsion

- Mandatory expulsions
- “Quasi-mandatory” expulsions
- “Permissive offenses”
- “Secondary findings”  
requirement for non-mandatory  
offenses:
  1. “Other means of correction”
  2. “Continuing danger”

# FERPA Issues

- Confidential Process
- Student information should not be made public
- No identifiable information when reporting out from closed session

# Hearing Process & Issues

# **A. Board Options for Conducting Expulsion Hearings**

- Hearing before board
- Administrative hearing panel

## **B. The Evidentiary Hearing Process**

- Mechanics of the process
- Administrative panel members (must be impartial)
- Purpose of the panel: to make a determination based upon the facts presented during hearing
- Evidentiary standards



## **C. Due Process Requirements for Hearings**

- Timely notice
- Fair hearing
- Right to closed or open hearing
- Right to counsel or non-attorney advisor
- Right to present evidence
- Right to cross examine witnesses
- Right to a copy of all documentary evidence to be used
- Right to a fair hearing body

## **D. Hearsay vs. Non-Hearsay & Admissions of Guilt**

- What is hearsay? Information regarding statements made by someone other than the testifying witness.
- Hearsay alone is not enough.
- What is an admission? A voluntary statement of guilt by the individual who committed the act in question.

## **E. Rules for Board Deliberation on Hearing or Panel Findings**

- After the hearing panel makes its recommendation, the Board will consider that recommendation.
- The Board's decision is limited to consideration of panel's findings.
- If the Board is hearing the case, then the decision is limited to evidence presented at the hearing.

## **F. Limitations on Charter School Board Action**

- Accept or reject findings
- Order supplemental hearing
- Practical consideration of “sentence” reduced

## **G. Parent Presentations to Charter School Board**

- Cannot be a hearing (board is not a trier of fact)
- Should be viewed as “sentence” mitigation

## **H. Right to Suspend Expulsion Order**

- May suspend enforcement of any order
- Probationary terms
- Mechanics of reinstatement of order

# I. Stipulated Expulsion Orders

- Usually executed to avoid hearing
- Right to hearing is waived

# Appeal Issues





## Appeal Rights for Pupils at Larchmont

- A request for appeal of expulsion must be received within five (5) working days after the written notice received by the parent/guardian.
- The appeal must occur within ten (10) working days after the written notice received by the parent/guardian, and must be attended by parent(s)/guardian(s).
- In the case of expulsion, a fair and impartial panel of representatives appointed by the Board of Directors will hear the appeal, and its decision will be final.

## A. Appeal Rights for Pupils

- Review is **limited** to the written record
- The appeal panel's focus: procedure, procedure, procedure.
- This is **not** a new hearing.
- If the expulsion is rescinded, the student will return to the charter school on the subsequent school day following a meeting of the administrative staff, student, and parents prior to reentry to insure a successful return to the school community.

## **B. Problems on Appeal**

- Procedural lapses
- Lack of record at the hearing
- “Zero tolerance” offenses

## **C. Future Student Admission Issues**

- Right to enroll elsewhere
- Right of expelled pupil to enroll at charter school
- “Rehabilitation” plan requirements
- Readmission procedures
- Potential pitfalls of allowing voluntary disenrollment in lieu of expulsion

# Questions?